

FEB 06 2008

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IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

BY

AUBREY W. ZIEGLER

PLAINTIFF

vs.

NO: 08 - 2011

AMERICAN AGENCIES, d/b/a  
AMERICAN AGENCIES OF CALIFORNIA

DEFENDANT

**COMPLAINT**

Comes now Plaintiff, Aubrey Ziegler ("Ziegler"), for his complaint against Defendant, American Agencies d/b/a American Agencies of California, and states:

**Statement of the Case.**

This is an action under the Fair Debt Collection Practices Act ("FDCPA") to correct unlawful collection practices and to provide appropriate relief to Ziegler. Ziegler brings this action to recover the damages that he sustained as a result of Defendant's unlawful actions.

**Jurisdiction and Venue.**

1. This Court has subject matter jurisdiction pursuant to 15 U.S.C. 1692k(d).

2. The unlawful collection practices alleged below were and are now being committed in the Western District of Arkansas.

**Parties.**

3. At all relevant times, Defendant was a "debt collector" as that term is defined in the FDCPA, who conducted debt collection activities in the Western District of Arkansas.

4. At all relevant times, Ziegler was a resident of Sebastian County, Arkansas.

**Statement of Claims.**

5. Ziegler moved from Arizona in June of 2000. When he moved, he had no notice of any outstanding bills that he owed to any party.

6. In October 2007, Ziegler received a demand for payment from Defendant. In its demand, Defendant incorrectly identified Plaintiff, Aubrey W. Ziegler, as Aubrey W. Walton. A copy of Defendant's debt collection letter is attached as Exhibit 1.

7. Ziegler disputes that he owed any debt to Verizon for whom Defendant alleged to be seeking payment. Even if Ziegler had owed Verizon on a past debt, of which he has no notice, he has not had any dealings with Verizon since 2000. The statute of limitations bars Defendant or Verizon from pursuing any payment on an alleged debt arising prior to 2000.

8. Ziegler, through his attorneys, disputed the validity of the debt and complained of the unlawful collection activities employed by Defendant. The letter disputing the debt sent to Defendant is attached and incorporated as Exhibit 2. Ziegler's representatives specifically demanded that Defendant make no further contact with Ziegler regarding the alleged debt.

9. By letter dated January 2, 2008 Defendant unlawfully made direct contact with Ziegler and deceptively claimed to have verified the debt. A copy of Defendant's second letter is attached as Exhibit 3. If Defendant had in fact attempted to verify the debt, it would have determined that "Aubrey W. Walton" is in fact "Aubrey W. Ziegler." If Defendant had in fact attempted to verify the debt, it would also have determined that any claim for the alleged debt is barred by the statute of limitations.

**Cause of Action - FDCPA Violations.**

10. The preceding paragraphs are incorporated by reference.

11. Defendant's first collection letter violated the FDCPA. Defendant attempted to collect a debt that it had not substantiated. The alleged debt was also barred by the statute of limitations, and Defendant failed to provide Ziegler with the notices required by the FDCPA.

12. Defendant's second collection letter violated the FDCPA. Defendant contacted Ziegler directly even though it was on notice that Ziegler disputed the debt and that he was represented by an attorney. In its letter Defendant failed to provide the notices required by FDCPA.

**Prayer for Relief.**

WHEREFORE, the Plaintiff respectfully prays that this Court:

- A. Award him compensatory damages;
- B. Award him additional statutory damages;
- C. Award him punitive damages;
- D. Award him attorneys' fees; and
- E. Grant such further relief as the Court deems necessary and proper.

**JURY TRIAL DEMAND**

The Plaintiff requests a jury trial on all questions of fact raised by his complaint.

Respectfully submitted,  
AUBREY ZIEGLER,

By: \_\_\_\_\_

Stephen Lisle, #94103  
Lispic Law Firm, P.A.  
1458 Plaza Place, Suite 101  
Springdale, AR 72764  
(479) 750-4444  
(479) 751-6792 (fax)